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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,684	05/04/2001	Paul Amaat France	8390	8926

27752 7590 05/15/2003

THE PROCTER & GAMBLE COMPANY
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EXAMINER

PERRIN, JOSEPH L

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 05/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/849,684

Applicant(s)

FRANCE ET AL.

Examiner

Joseph Perrin, Ph.D.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-17, 19, 22-30 and 33-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-17, 19, 22-30 and 33-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Status of the Application

1. The original objection of the defective declaration is withdrawn in view of the Supplemental Declaration, Paper No. 9 (see new objection of Supplemental Declaration below).
2. The claim objections under 37 CFR § 1.75(c) of claims 2-7, 10-13, 16-23 and 26-29 are withdrawn in view of the cancellation of claims 2-7, 10-13, 18 and 20-21, and the amendment of claims 16-17, 19, 22-23 and 26-29.
3. The claim rejections under 35 USC § 112, second paragraph, of claims 8-9 and 23-25 are withdrawn in view of the cancellation of claims 8-9, and the amendment of claims 23-25.
4. The claim rejections of claims 1 and 8-9 under 35 USC § 102(b) over Hübner and Naya *et al.* are withdrawn in view of the cancellation of claims 1 and 8-9.
5. The claim rejections of claims 15 and 24-25 under 35 USC § 102(b) over Naya *et al.* are maintained for reasons of record.
6. The claim rejection of claim 14 under 35 USC § 103(a) over Naya *et al.* in view of applicant's admitted prior art is withdrawn in view of the cancellation of claim 14.
7. The claim rejection of claim 30 under 35 USC § 103(a) over Naya *et al.* in view of applicant's admitted prior art is maintained for reasons of record.

Election/Restrictions

8. Applicant's election with traverse of Group I, claims 1-30, in Paper No. 8 is acknowledged. The traversal is on the ground(s) that the claims "are related", and that "the scope of searches for both claim groups is coextensive" and that "there is no serious burden on the Examiner if restriction is not required." This is not found persuasive because, although the Groups may be "related" in the fact that both include a "gas sensor", the Groups are considered distinct because the apparatus as claimed can be used to practice another and materially different process, such as a process of cleaning semiconductor substrates (repeated from previous Office action, Paper No. 6) (see MPEP § 806.05(e)). Furthermore, serious burden on the Examiner has been established since the Groups have a separate status in the art as shown by their different classification, and because of their recognized divergent subject matter (repeated from previous Office action, Paper No. 6). Thus, restriction for examination purposes as indicated is proper.

9. The requirement is still deemed proper and is therefore made FINAL.

10. This application contains claims 31-32 drawn to an invention nonelected with traverse in Paper No. 8. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

11. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

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remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Response to Arguments

12. Applicant's arguments filed 28 March 2003 have been fully considered but they are not persuasive.

13. Re claims 15 and 30, in response to applicant's argument that the cited references do not disclose "an activation means or a condition sensor for 'activating' the gas sensor", it is noted that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. In the instant case, applicant's structural limitation to the claimed system of "a condition means operatively connected to the sensor means" is met by Naya *et al.* as cited in the prior Office action. The phrase "for activating" is considered intended future use and, therefore, is given little patentable weight.

Oath/Declaration

14. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the mailing or post office address of each inventor. A mailing or post office address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing or post

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office address should include the ZIP Code designation. The mailing or post office address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

Specifically, the state of residency is missing for one applicant.

Specification

15. The amendment filed 28 March 2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "a fluid flow sensor" and "a torque sensor" as amended on page 18, lines 7-19.

16. Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

17. Claims 23 and 36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The types of sensors claimed, "a fluid flow sensor" and "a torque sensor", were not described in the specification at the time the application was filed and, therefore, are considered new matter.

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18. Claims 15-17, 19, and 22-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding independent claim 15, the word "means" is preceded by the word(s) "sensor" and "condition" in an attempt to use a "means" clause to recite claim elements as a means for performing specified functions. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967). Moreover, applicant is reminded that applying structure to a means-plus-function limitation (e.g. "sensor means") is considered improper. In the instant case, "sensor means" does not invoke 35 U.S.C. 112, sixth paragraph, because the word "sensor" itself imparts structure.

Clarification and correction are required.

Claim Rejections - 35 USC § 102

19. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

20. Claims 15-17, 19, and 22-29 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 01-277600 to Naya *et al.*

Re claim 15, Naya *et al.* discloses a drycleaning drying control system utilizing a gas sensor GS for dry cleaning solvent vapor, which is controllable by a temperature condition detector (thermistor TH), in order to control the drying cycle by "determining

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the terminal point in drying operation" (see, for instance, Figure 1 and the abstract of Naya *et al.*).

Re claims 16-17, 19, and 22, Naya *et al.* discloses a signal processor (temperature compensation circuit TC which "controls the voltage to be applied to [sensor GS]") operatively connected to a sensor (see, for instance, Figures 1, 2, 4, and the abstract of Naya *et al.*). It is noted that in claims 16-22, after the term "wherein" is considered future intended use (e.g. "wherein said sensor...cooperates with said signal processor to terminate said drying cycle") and therefore, given little patentable weight. Moreover, since Naya *et al.* discloses the signal processor as regulating the voltage to the heating device of the gas sensor to determine the terminal point in drying (see abstract), the position is taken that "regulating the voltage" to the heating element in response to the sensed dry cleaning solvent vapor, as disclosed by Naya *et al.* includes regulating the voltage in both a positive and negative manner (*i.e.* capable of turning on or off the sensor (voltage)).

Re claim 23, Naya *et al.* discloses a condition sensor/detector as a temperature sensor (thermistor, see abstract).

Re claims 24-25, Naya *et al.* discloses a gas (physical property) sensor as a semiconductor detecting element (see abstract).

Re claims 26-29, as noted above, Naya *et al.* discloses a gas sensor and therefore, the position is taken that the sensor would be "capable of sensing" applicant's claimed lipophilic fluid vapors, as claimed, since lipophilic fluid vapors are construed as being a "gas".

Claim Rejections - 35 USC § 103

21. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

22. Claims 30 and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naya *et al.*, as applied above, in view of Applicant's admitted prior art.

As noted above, Naya *et al.* discloses the claimed invention as applied to claims 15-17, 19, and 22-29. However, Naya *et al.* does not expressly disclose utilizing the claimed control system in a dual mode drycleaning apparatus capable of washing and drying fabrics within the same drum.

On page 24, lines 16-19, Applicant clearly admits that "dual mode" drycleaning "apparati are commercially available". Therefore, the position is taken that a person of ordinary skill in the art at the time the invention was made would have been to utilize the drycleaning drying cycle control system, disclosed by Naya *et al.*, in a commercially available "dual mode" drycleaning apparatus, disclosed by Applicant, in order to provide improved drying efficiency to a commercially known drycleaning apparatus.

Conclusion

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

24. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Perrin, Ph.D. whose telephone number is (703)305-0626. The examiner can normally be reached on M-F 7:30-5:00, except alternate Fridays.

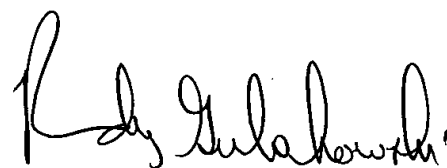
26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (703)308-4333. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9310 for regular communications and (703)872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

Joseph Perrin, Ph.D.
Examiner
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jl
May 6, 2003

A handwritten signature in black ink, appearing to read "Randy Gulakowski". The signature is fluid and cursive, with the first name "Randy" and last name "Gulakowski" clearly distinguishable.

RANDY GULAKOWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700